

May 3, 2019

2019-2020 Legislative Session

Legislative News is a publication prepared and distributed by the South Carolina Department of Mental Health (DMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the DMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bill text online by clicking the link at the end of each description, OR visiting <http://www.scstatehouse.gov>.

This publication is also available on the DMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact the Office of Public Affairs at (803) 898-8582 or tracy.lapointe@scdmh.org.

Bills that did not cross chambers by April 10 have been removed from *Legislative News* but will be included in the 2020 editions.

Senate Bills – click on the bill number for full text.

S 132 PA Act of 2019 – Davis, Nicholson, Hutto, M.B. Matthews, Kimpson, Alexander and Scott

This bill would amend several statutes to provide that physician assistants may be considered primary care providers or mental health providers when practicing in the medical specialties requiring physicians to be primary care providers or mental health providers. Further, it would clarify the effect on related working relationships and scopes of practice, among other things.

Crossed to the House 3/21/19. Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 3/26/19, and received favorable Committee report 5/1/19.

S 303 Mental Health Transport – Kimpson, Shealy, Fanning, Davis

This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a “therapeutic transport unit” and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual’s care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport.

Crossed to the House 4/09/19. Introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 4/10/19.

S 303 received a favorable recommendation with an amendment in the Medical, Military, Public and Municipal Affairs House Subcommittee. The full “3-M” Committee voted to adjourn debate on the bill 4/30/19, given the number of amendments and the complexity of the issues raised by various speakers at the subcommittee hearing. It appears that S 303 may have stalled in the House; it is certain that it will not move further during the 2019 legislative session.

House Bills – click on the bill number for full text.

H 3438 Division of Veterans Affairs – Pitts, McCravy, B. Cox, Huggins, Cobb-Hunter, Hixon, W. Cox, Taylor, Davis, Caskey & Mace

This bill creates a Division of Veterans Affairs to the Executive branch of State Government, the director of which would be appointed by the Governor and confirmed by the General Assembly. It would create the Division’s powers, duties, and functions, which would include cooperation with other governmental units, such as cities and counties, or federal agencies concerned with participation in related federal grants-in-aid programs. The bill would further require the Department to submit a written report describing nursing homes, the number of residents received by and discharged from those homes during the preceding year, occupancy rates, staffing, receipts and expenditures, etc., to the Governor annually.

Ratified 4/25/19, signed by the Governor 4/26/19. Effective July 1, 2019.

H 3602 Patient Consent – Rose and Caskey

This bill relates to individuals who may make healthcare decisions for patients who are unable to consent, adding the category of “a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes.”

Crossed to Senate 3/28/19. Introduced, read first time, and referred to Medical Affairs Committee 4/02/19. Received favorable Committee report 4/25/19.

H 4467 Mental Health Month - Dillard, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simmons, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten, Young and Yow.

“A House resolution to encourage all citizens of this great state to increase their awareness and understanding of mental health, the steps that can be taken to protect mental health, and the need for appropriate and accessible services for all people with mental health conditions and to declare May 2019 as "Mental Health Month" in South Carolina.”

Introduced and adopted 4/24/19.

Legislative Oversight Update

In 2014, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. The Senate selected SCDMH for review in 2015, issuing its final report in March of 2016. In 2018, the House of Representatives selected SCDMH for study.

The purpose of these reviews is to inform the Legislature in detail about an agency’s programs and operations and to ensure the Agency is operating as the State intended. Stewart Cooner, director of Special Programs and Telepsychiatry, will serve as the SCDMH liaison to the House staff conducting the Study, and employees throughout the Agency will work with him to provide information sought by the legislative staff.

Thus far, SCDMH has provided extensive written background information to the House Legislative Oversight Committee (LOC), as requested. The full LOC took comments from the public at a hearing on January 14, 2019, wherein several advocates provided positive feedback about SCDMH. This testimony and all future hearings is available for viewing at the following URL:

www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php

In February, the review began before a four-member sub-committee; SCDMH staff provided in-depth presentations about the Agency’s history and operations. Director Binkley gave an interesting and informative overview of the Agency, its history, and the evolution of mental health care. In subsequent hearings, leadership from the divisions of Inpatient Services and Community Mental Health Services have presented detailed information on SCDMH facilities, programs, and services, which has been well received by the Committee and staff. To date, there have been six sub-committee hearings, the next of which is scheduled for Tuesday, May 7.

Future *Legislative News* editions will include updates on the progress of the Study until its completion.

Budget Update

The Senate's FY 20 budget recommendation concurs with that of the House of Representatives' with regard to state employees in:

- Employee pay – 2% Cost of Living Adjustment
- Health insurance – coverage of entire premium increase for current state employees and retirees
- Retirement – coverage of additional retirement increases

The Senate's budget includes a proviso that would provide a one-time, \$600 bonus for full-time employees earning \$70,000 or less and who have been employed by the State for at least six months.

The next step in the Budget process is Conference Committee, which will take place within the coming weeks. The table below shows DMH's FY20 budget request side-by-side with recommendations from the Governor's Office, House of Representatives, and Senate.

SCDMH FY 20 Budget Request

| | DMH Request | Governor's Recommendation | House Recommendation | Senate Recommendations |
|--|-------------------|------------------------------|-------------------------|---------------------------|
| RECURRING | | | | |
| Crisis Stabilization Units | 1,000,000 | - | - | 800,000 |
| Improving Local Access | 1,000,000 | - | - | - |
| Sexually Violent Predator Treatment Program | 481,974 | 481,974 | 481,974 | 481,974 |
| Contractual Adjustment - Inpatient Services | 1,334,424 | 1,334,424 | 1,334,424 | 1,334,424 |
| School Mental Health Services | 1,250,000 | 2,200,000 | 2,200,000 | 2,200,000 |
| Psychiatric Medical Services | 1,394,000 | - | - | - |
| First Episode Psychosis (FEP) Programs | 600,000 | - | - | - |
| Additional Community Supportive Housing | 2,400,000 | - | - | 1,750,000 |
| Information Technology | 2,600,000 | 1,550,000 | 1,550,000 | 1,550,000 |
| DMH Crime Victims Counseling Support | 1,750,000 | - | - | - |
| Long Term Care Division | 250,000 | - | - | - |
| Funds for Appointed Counsel in Civil Commitment Proceedings | 800,000 | - | - | - |
| TOTAL RECURRING | 14,860,398 | 5,566,398 | 5,566,398 | 8,116,398 |
| NON-RECURRING | | | | |
| Community Mental Health Services - Outpatient Electronic Health Record | 4,500,000 | - | - | - |
| TOTAL NON-RECURRING | 4,500,000 | - | - | - |
| CAPITAL | | | | |
| Certification of State Match (VA Nursing Homes) | 37,065,450 | 37,065,450 | 37,065,450 | 37,065,450 |
| Suicide Prevention - Ligation Resistant Fixtures | 1,252,786 | - | - | - |
| Catawba Mental Health Center Construction | 12,430,000 | - | - | - |
| Anderson-Oconee-Pickens Mental Health Center Construction | 12,430,000 | - | - | - |
| NE Campus Electrical Distribution System Renovations | 3,600,000 | - | - | - |
| Community Buildings Deferred Maintenance | 3,000,000 | - | - | - |
| Columbia Area MHC Phase III Construction | 4,000,000 | - | - | - |
| Campbell Veterans Nursing Home Renovations | 3,940,000 | 3,940,000 | - | - |
| Roddey Pavilion Renovations (Flooring, Laundry) | 2,000,000 | - | - | - |
| TOTAL CAPITAL | 79,718,236 | 41,005,450 | 37,065,450 | 37,065,450 |
| GRAND TOTAL REQUEST | 99,078,634 | 46,571,848 | 42,631,848 | 45,181,848 |
| Increase in Federal Authorization | 3,100,000 | 3,100,000 | 3,100,000 | 3,100,000 |